

Misbranding of the article was alleged in substance in the libel for the reason that the following statements, regarding the curative and therapeutic effect of the said article, appearing on the labels of the bottle and carton containing the article, "* * * * * Vitale * * * A Nerve and Muscle Tonic * * *," and the additional statements appearing on the said carton, "* * * Remedy * * * For General Weakness * * * Nervous Debility * * * For the Nerves, Brain and Muscles * * *" were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 16, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10781. Adulteration and misbranding of neosalvarsan. U. S. v. 1047 Packages of Neosalvarsan. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15786. I. S. Nos. 9807-t, 9808-t. S. No. E-3808.)

On March 20, 1922, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1047, more or less, packages of an article purporting to be neosalvarsan, remaining unsold in the original packages at Caguas, Porto Rico, alleging that the article had been transported into Porto Rico, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that a portion of it consisted of sodium chlorid, and that the remainder consisted of sodium bicarbonate, colored yellow with methyl orange.

Adulteration of the article was alleged in the libel for the reason that its strength and purity fell below the professed standard of quality under which it was sold.

Misbranding was alleged for the reason that the statement "Neosalvarsan" was false and misleading, and for the further reason that the article was an imitation of another article.

On August 1, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10782. Adulteration of oranges. U. S. v. 12 Dozen Boxes of Decomposed Oranges. Consent decree of condemnation and forfeiture. Product released on bond for sorting and destruction of the adulterated oranges. (F. & D. No. 15790. I. S. No. 11194-t. S. No. W-1058.)

On March 21, 1922, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 dozen boxes of decomposed oranges, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped on March 6, 1922, by the Riverside Heights Orange Growers Assoc., Riverside, Calif., and transported from the State of California into the State of Oregon, and charging adulteration in violation of Food and Drugs Act. The article was labeled in part: "W Navels Pepper Leaf Brand Riverside Heights Orange Growers Association, Riverside, Calif."

Adulteration of the article was alleged in the libel for the reason that decomposed and frozen and dried oranges had been substituted for normal oranges of good commercial quality.

On April 3, 1922, the California Fruit Growers Exchange, claimant, having admitted the material allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to said claimant, or any of its duly authorized agents, upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product be sorted under the supervision of this department, and it was further ordered that the frozen and damaged oranges be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*